

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Case No. 3:21-mj-73

Evan Thomas Carter

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Evan Thomas Carter,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court


This offense is briefly described as follows:

Title 49, U.S.C. Section 46506(2)

Application of Certain Criminal Law to Acts on Aircraft

Signed: March 22, 2021

Date: 03/22/2021


David S. Cayer
United States Magistrate JudgeCity and state: Charlotte, North CarolinaU.S. Magistrate Judge David S. Cayer*Printed name and title*

Return

This warrant was received on (date) enter date, and the person was arrested on (date) enter date
at (city and state) _____.Date: enter date*Arresting officer's signature**Printed name and title*

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Case No. 3:21-mj-00073

Evan Thomas Carter

*Defendant(s)***RULE 4.1 - CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 27, 2020 in the county of Mecklenburg in the
Western District of North Carolina, the defendant(s) violated:

*Code Section**Offense Description*

Title 49, U.S.C. Section 46506(2)

Application of Certain Criminal Law to Acts on Aircraft

This criminal complaint is based on these facts:

See attached Affidavit of FBI Special Agent Kristen L. Sheldon, which is incorporated by reference herein.

☒ Continued on the attached sheet./S Kristen L. Sheldon*Complainant's signature*Kristen L. Sheldon, Special Agent, FBI*Printed name and title*

Sworn in accordance with Rule 4.1.

Signed: March 22, 2021

Date: 03/22/2021



David S. Cayer
 United States Magistrate Judge

City and state: Charlotte, North CarolinaU.S. Magistrate Judge David S. Cayer*Printed name and title*

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

AFFIANT

I, Kristen L. Sheldon, have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) for over 22 years. I am currently assigned as the Airport Liaison Agent Coordinator for the Charlotte-FBI's Joint Terrorism Task Force, where I investigate violations of Federal Law which occur within the airport environment and on board aircraft.

PURPOSE OF AFFIDAVIT

This affidavit is made in support of a request for an arrest warrant for EVAN THOMAS CARTER, JR. ("CARTER"), born October 5, 1977, for violation of Title 49, United States Code, Section 46506(2), Application of Certain Criminal Laws to Acts on Aircrafts. On or about August 27, 2020, while seated in his assigned seat on American Airlines flight 560, traveling from the Seattle-Tacoma International Airport in Seattle, Washington to the Charlotte Douglas International Airport in Charlotte, North Carolina, CARTER exposed his penis and appeared to masturbate in view of multiple passengers. Had CARTER'S conduct occurred in the District of Columbia, CARTER'S conduct would have been in violation of District of Columbia Code Section 22-1312.

Title 49 United States Code, Section 46501 establishes the Special Aircraft Jurisdiction of the United States and gives the federal government jurisdiction in all criminal matters occurring on any civil aircraft of the United States while in flight regardless of departure or arrival location. Title 49 USC § 46506(2) states, “An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that... if committed in the District of Columbia would violate section 9 of the Act of July 29, 1892 (D.C. Code, Section 22-1112)¹, shall be fined under Title 18, imprisoned under section 9 of the act, or both.”

District of Columbia Code § 22-1312, the successor to § 22-1112, states in pertinent part, “It is unlawful for a person, in public, to make an obscene or indecent exposure of his or her genitalia or anus, to engage in masturbation, or to engage in a sexual act as defined in Section 22-3001(8)... A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, imprisoned for not more than 90 days, or both.”

¹ When Title 49 USC § 46506(2) enacted in 1994, Section 9 of the Act of July 29, 1892 was codified as D.C. Code, Section 22-1112. It has since been re-codified as D.C. Code, Section 22-1312.

SOURCES OF INFORMATION

The facts set forth in this statement of probable cause are based on my own investigation and information obtained from other law enforcement officers and witnesses. This statement is intended to show that there is probable cause for the violation and does not purport to set forth all my knowledge or investigation into this matter.

INVESTIGATION

On or about August 27, 2020, I received a telephone call from an American Airlines Corporate Security employee who advised of an American Airlines passenger who had exposed his penis while in flight to the Charlotte Douglas International Airport.

Subsequent to the telephone call, I received a copy of a Charlotte Mecklenburg Police Department Incident report which included, in pertinent part, the following details:

- a. Two witnesses, BB and KM, observed CARTER tugging on his penis which was partially exposed under his shirt.
- b. One of the witnesses video recorded CARTER's actions on her cellular telephone.

c. A Charlotte Mecklenburg Police Department Officer viewed the video recording and observed CARTER tugging on his penis which he partially concealed under his shirt. The penis was slightly exposed due to the side angle of the camera which was the side exposed to both witnesses.

d. A Charlotte Mecklenburg Police Department Officer observed CARTER deplane American Airlines flight 560 in Charlotte, North Carolina with his pants top button undone and the zipper open.

On or about August 31, 2020, I spoke with BB, who in pertinent part stated the following:

a. BB was seated in a window seat. Seated next to BB in a middle seat was KM. A male passenger, later identified as CARTER was seated in the aisle next to KM.

b. Upon take off, BB slept for approximately the first hour and a half of the flight. When she woke up, BB observed CARTER rubbing and holding his penis under his tray table. BB grabbed her cellular telephone and began recording CARTER's actions. BB observed both of CARTER's hands under his tray table and making movements. BB saw CARTER use his right hand and thumb to rub his penis and the

tip of the penis. BB advised the rubbing motion was not aggressive; it was very subtle and stopped whenever people walked by in the aisle. Additionally, CARTER would pull his shirt down whenever people walked by in the aisle. BB observed CARTER's pants unzipped and his penis exposed as it was pulled out of his pants and towards her direction.

c. CARTER's actions continued for approximately 10 minutes. BB tapped KM on the shoulder and passed her a note she had written which stated "Dude next to you has his dick out. I saw it. I don't know what to do. Just thought you should know."

d. KM pulled her legs up and away from CARTER. Approximately five minutes later, and while CARTER was still rubbing himself, KM pushed the Flight Attendant Call Button.

e. A female flight attendant arrived to the area of KM's seat. KM showed the flight attendant a message she had typed out on her cell phone. The flight attendant nodded her head and walked away for a brief moment. As the flight attendant walked away, CARTER put his penis back in his pants, zipped his pants, and put his tray table in the upright position. The flight attendant returned to the area of KM's seat and relocated KM and BB to vacant seats on the aircraft away from CARTER.

On or about September 3, 2020, I spoke with KM, who in pertinent part stated the following:

a. KM was seated in a middle seat. Seated to KM's right was BB. Seated to KM's left was a male passenger, later identified as CARTER.

b. With approximately two hours left in the flight, BB repeatedly tapped KM on the shoulder and handed her a note. Written on the note was information letting KM know that CARTER had his "dick out."

c. After she read the note, KM looked towards CARTER. KM observed CARTER's tray table in the down position. On top of CARTER's tray table was his left hand which was holding his phone. CARTER's right hand was under his tray table and was moving around a lot. CARTER's shirt appeared to be pulled down.

d. Approximately 5 - 10 minutes passed from the time KM read BB's note. During this time, CARTER continued to move his right hand below his tray table. KM believed CARTER to be masturbating.

e. KM typed a note on her phone stating the guy next to her had his penis out and that she and BB were very uncomfortable. KM pushed the Flight Attendant Call Button and a female flight attendant responded. KM showed the flight attendant her typed note which said "The guy next to us keeps sticking his hand in his pants and taking his penis out.

Myself and the girl next to me saw it and are really uncomfortable. Is there a way to get his seat or our seats changed? We don't want to make a scene or cause trouble but we don't know what to do." The flight attendant nodded and walked away for a brief moment. The flight attendant returned and advised of open seats elsewhere on the plane for KM and BB.

f. It took approximately 10 - 20 seconds for CARTER to "get himself together" and move out of his seat to allow KM and BB to relocate their seating. KM believes this is when CARTER finally put his penis back in his pants. During the moving process, CARTER threw rolled up and thin toilet paper under his seat. KM believes CARTER retrieved the toilet paper from the lavatory which he visited earlier in the flight.

g. KM and BB were relocated to vacant seats 3 rows behind CARTER and on the opposite side of the aisle. From her new seat, KM could see CARTER. She observed the toilet paper on the floor and CARTER's tray table in the downward position. She also observed CARTER's hands and body in the same position they appeared to be in when he was masturbating; left hand on top of the tray table holding his phone and right hand under the tray table moving. KM believed CARTER continued to masturbate even after KM and BB relocated.

On or about October 2, 2020, I spoke with a witness passenger MJ. MJ

stated, among other things, the following:

a. MJ was a passenger aboard American Airlines flight 560 on August 27, 2020. MJ was traveling with her 14-year-old daughter and her 10-year-old granddaughter. MJ was seated in an aisle seat and the minor children were seated next to her in the middle and window seats. Across the aisle and one row behind MJ was a male passenger, later identified as CARTER.

b. A few moments before the approximate halfway point of the flight, MJ observed CARTER with both hands under his shirt and making the motion, with his hands, of a male masturbating. In an effort to shield her daughter and granddaughter from this sight, MJ sat on the edge of her seat, with one butt cheek on the seat, in an effort to use her body to obstruct the children's view to CARTER. Moments later, a flight attendant arrived to CARTER's seat and appeared to re-locate the two female passengers seated next to CARTER into vacant seats elsewhere on the plane.

c. After the two females were moved to vacant seats elsewhere on the plane, MJ observed CARTER again with his hands under his shirt in his lap making the gestures of a male masturbating.

d. With approximately a quarter of the flight left, MJ observed CARTER vigorously making the motions of a male masturbating and she saw a portion of CARTER's shaft. Upon seeing CARTER's shaft, MJ went to the back galley and asked if the flight attendants could give CARTER a blanket to cover himself because he was masturbating again. MJ advised it was "very apparent what he was doing, at least to me" and to her 14-year-old daughter who had walked by CARTER to use the bathroom and upon returning to her seat asked MJ "What is going on with that man, what is wrong with that man?". MJ advised her daughter knew something was wrong but because of her age wasn't sure or aware of what she saw.

PROBABLE CAUSE

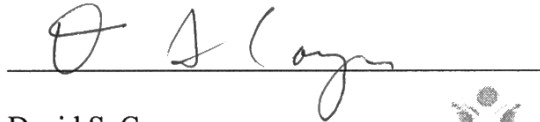
There is probable cause to believe that on or about August 27, 2020, EVAN THOMAS CARTER, JR. violated Title 49 United States Code Section 46506(2) by exposing his penis on board American Airlines flight 560, traveling from the Seattle-Tacoma International Airport in Seattle, Washington to the Charlotte Douglas International Airport in Charlotte, North Carolina

WHEREFORE, your Affiant submits that this Affidavit supports probable cause for a warrant to arrest EVAN THOMAS CARTER, JR. for Title 49 United States Code Section 46506(2).

/S Kristen L. Sheldon

KRISTEN L. SHELDON
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn and subscribed per Rule 4.1 on this 22nd day of March 2021.

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge



Signed: March 22, 2021